

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, July 15, 2013 at 6:00  
P.M.**

**Council President Christopher T. Semonelli, Presiding**

**Vice President Robert J. Sylvia**

**Councillor Richard P. Adams**

**Councillor Bruce J. Long, arrives at 6:30 pm**

**Councillor Paul M. Rodrigues**

**Councillor M. Theresa Santos**

**Councillor Barbara A. VonVillas, Members Present**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

**There were no reconsiderations.**

## **6:00 PM - PRESENTATION**

- 1. Memorandum of Finance Director, thru Town Administrator, re: Recommendation – Contract Award for 401a/457b Plan Services (Defined Contribution Plans).**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and begin presentation.**

**Town Administrator Shawn Brown noted negotiations with the DPW and Town Hall the contracts all for a defined contribution plan.**

**Finance Director Lynne Dible noted that legislation has passed allowing for the Town to have the 401a pension plan and 457b plan for employees to supplement their retirement. Mrs. Dible reviewed the memorandum, entered here:**

**Present representing Buck Consultants were Alan Vorchheimer, CEBS, Principal and Megan Firestone, Associate, Retirement.**

**Megan Firestone, Associate, Retirement, addressed the Council reviewing the Vendor Selection Project handout, which is on file in the Office of the Town Clerk. The recommendation is to award the contract to TIAA-CREF.**

**Vice President Sylvia noted concern the Buck Consultants were restricting employee options.**

**Alan Vorchheimer, CEBS Principal, responding to Vice President Sylvia, explained that each provider has a list of funds and funds can be moved daily.**

**Councillor Santos questioned if the 401a and the 457b are only for**

**DPW and Town Hall.**

**Finance Director Lynne Dible, responding to Councillor Santos, explained that the 401a is for DPW and Town Hall, which the Town is required to match. The 457b is for any employee and the Town is not required to match.**

**Councillor Adams explained that the Pension Committee was thinking about pensions viewing the context that is retirement. There is not a high level of participation in the 457b plan.**

**Councillor Rodrigues questions the benefit to the Town and to the employee by participating in the plan.**

**Town Administrator Shawn Brown explained that the benefit to the Town is a lower cost and the burden of management of risk is to the employee.**

**Councillor Long arrives at 6:30 pm.**

**Discussion centered around the cost of an additional phase being added, that most do not want a high risk program, the allowable maximum deposit, that employees be educated properly on the plan and giving employees the opportunity to save money.**

**2. Resolution of Council, re: Award of Contract for 401a/457b Plan Services (Defined Contribution Plans)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.**

**6:30 PM INTERVIEWS – ZONING BOARD VACANCY**

### **3. Interviews**

**6:30 pm Interview – James Miller**

**6:40 pm Interview – Robert Novick**

**6:50 pm Interview – Kevin Behan**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin interviews.**

**Council President announced that the appointment to the Zoning Board will be made at the next regular meeting of the Council, August 19, 2013.**

**Candidates for the Zoning Board of Review were interviewed in open session; applicant's interviews began at 6:30 pm with 1) James Miller, 2) Robert Novick and 3) Kevin Behan.**

**All applicants responded to the following questions:**

- 1. Why do you want to be on the Zoning Board?**
- 2. Are you available for meetings?**
- 3. Quality of Life - How would you approach? What does it mean to you?**

**Some applicants gave personal background, experience with the board and how their personal work experience would aide them if appointed to the board.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:52 pm.**



**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:00 pm.**

## **PUBLIC FORUM SESSION**

**4. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.**

**No one spoke during this session.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to act as a Board of License Commission.**

**Council President Semonelli recused himself from acting on the following item of business, due to a possible conflict of interest.**

**Vice President Sylvia presiding.**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

### **5. (Public Hearing Advertised; abutters notified)**

**Application of KJ's Pub, LLC d/b/a KJ's Pub of a Retailer's Class BV Alcoholic Beverage License for premises located at 59 Aquidneck Avenue to expand the area of service of said license to include the outdoor patio at the southwest corner of the building for the 2012-2013 licensing year.**

**Public Hearing was declared open.**

**Attorney Jeremiah C. Lynch, representing the applicant, addressed the Council requesting an expansion of service to the outdoor patio (17 seats). The applicant has been before the Zoning Board and conditions have been placed on the granting to minimize or remove impact that outdoor service of alcohol would have on neighboring properties to the east: 1) To complete a roof over the patio area, 2) To build an additional shingled wall 5 foot high along the existing concrete block - a retaining wall and 3) Must not serve alcohol after 10:00 pm. There will be no outdoor music on the patio area. The new addition relocates seats lost when the kitchen was expanded. The applicant has been working with neighbors regarding any issues they may have, most requests have been satisfied; however, some are not.**

**Discussion centered around parking, seating, neighbor concerns and dimensions of the addition.**

**Applicant John Ralph Gullison, 207 Broadway, Newport, addressed the Council noting the addition is 32' long and 20' in front.**

**Robert M. Silva, Esquire, representing abutter Rose Marie Nunes, 16 Briarwood Avenue, noted that residents/neighbors of the establishment have had difficulties with the establishment. Other facilities in the area which serve food and alcohol outside are not abutting a single family home. Attorney Silva has appealed the Zoning Board decision in Superior Court.**

**Attorney Jeremiah Lynch noted that there are no liquor related infractions by KJ's Pub.**

**Town Solicitor Michael W. Miller explained that if the Board grants this license, the license would terminate if the Zoning decision is overturned by Superior Court. Mr. Miller recommends if the Council does not grant the license to enumerate the reasons.**

**Terry Flynn, 34 Warren Avenue, addressed the Council expressing concern that cars overflow on Warren Avenue, due to the parking situation, which is a safety concern with children in the area. Ms. Flynn noted that she would like this to end.**

**Public Hearing remains open.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this matter until the Town receives the Superior Court decision regarding the appeal filed, the public hearing will remain open and notification of the next hearing date will be sent to the abutters.**

**The determination will be based on the action of the Superior Court.**

**Council President Semonelli presiding.**

**Town Solicitor Michael W. Miller recused himself from the following item of business.**

**6. Petition of Thomas Ney, President and Mary Connor, Secretary, of All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage to provide outdoor service on July 27, 2013, beginning at 1:00 pm, for the All-Vets Club yearly Steak Fry.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said petition.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene as a Town Council.**

## **CONSENT**

**7. Approval of Minutes, re: Regular Meeting, June 17, 2013.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve said minutes.**

**8. Resolution of the Town of Foster, re: Supporting the Municipal Road and Bridge Revolving Fund.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said resolution.**

**9. Resolution of the Town of Jamestown, re: Opposing Senate Bill 322 Sub A and House Bill 5394.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said resolution.**

**10. Resolution of the Town of Charlestown, re: Opposing House Bill H-6167 Limiting local control of subdivision review.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said resolution.**

**11. Communication of Lesley R. Muir, Director of Communications, Norman Bird Sanctuary, re: Appreciation for waiving town permit fees.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.**

**12. Communication of Dennis DeMarinis, Jr., Director of Development & Communications, James L. Maher Center, re: Appreciation for Civic Appropriation.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.**



**13. Notice of Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council, re: Rescheduling of Public Hearing – Ocean Special Area Management Plan amendments to Section 560.18 and 1150.4.8; and Management Procedures new Section 15.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said notice.**

**14. Notice of Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council, re: Continuation of Public Hearing – Salt Pond Region Special Area Management Plan new Section 980 – Experimental Coastal Erosion Control.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said notice.**

**15. Notice of Public Hearing from the Zoning Board of Review-  
Petition of the Town of Middletown (owner) – Lawrence Associates  
Architects/Planners PC (applicant) - for a Variance from Section 305  
of the Zoning Ordinance and Section 521.2 of the Middletown Rules  
and Regulations Regarding the Subdivision and Development of Land  
specifically building design and architecture for proposed addition  
and alterations to the Fire Station for real estate located at 239 Wyatt  
Road, TAP 119, Lot 13.**

**On motion of Vice President Sylvia, duly seconded, it was voted  
unanimously to receive said Notice of Public Hearing.**

**16. Memorandum of Accounting Manager, thru Finance Director, re:  
Quarterly Tax Collector's Report as of 06/30/2013 – Town of  
Middletown.**

**On motion of Vice President Sylvia, duly seconded, it was voted  
unanimously to receive said memorandum and report.**

**17. Petitions received from the following named persons for perpetual care of burial lots in the Middletown cemetery:**

- a. Susan Blakeley Combs– Section 53, Lots 24 & 25**
- b. Suzanne M. Monroe – Section 53, Lot 23**
- c. Brenda Smith – Section 53, Lot 21**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive and approve said petitions.**

**18. (Continued from Regular Meeting, June 17, 2013)**

**An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code. (Paradise Avenue, Sachuest Point**

**Road and Purgatory Road)- (Attached is a request to withdraw by the Administration.)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to withdraw said matter.**

**19. (Continued from Regular Meeting, June 17, 2013)**

**Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, with enclosures, re: Impact Fee Schedule Recommendation. (Attached is a request of the Administration to continue this matter to October 21, 2013 Regular meeting of the Council)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and continue said matter to the October 21, 2013 Regular Meeting of the Council.**

**20. Request of John Ashley, Jr. dba Castaway Gourmet, LLC,**

**Portsmouth, Rhode Island for additional location added to Hawkers License for the 2013-2014 licensing year. (Permission on file, Embrace Home Loans parking lot, 25 and 110 Enterprise Center to serve lunch and/or dinner)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said additional location.**

**21. Applications received from the following named persons, firms and corporations for Special Event Permits. (See Attached List)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permits.**

**Items #45 and #46 were acted upon at this time.**

**Council President Semonelli recused himself from acting on the following item of business.**

**Vice President Sylvia presiding.**

## **LICENSES & PERMITS**

**22. Application of KJ's Pub, LLC dba KJ's Pub, 59 Aquidneck Avenue, to expand the Victualling House License to include the outdoor patio at the southwest corner of the building for the 2012-2013 licensing year.**

**Town Solicitor Michael W. Miller noted that the Victualling House License is a separate issue from the Alcoholic Beverage License. If the license is not granted, the Council would need to enumerate the reason why.**

**Discussion centered why the Council would not grant the license, what effect would granting this license have on the Superior Court decision, how to police the area, what stops a patron from taking their food or alcohol outside, wanting to promote small business and if license is granted, what will be the effect on the neighbors.**

**Attorney Robert M. Silva, 1100 Aquidneck Avenue, representing abutter Mrs. Nunes addressed the Council noting that his client also has an issue with service of food on the outside patio.**

**Councillor Rodrigues noted he would not support until after hearing the Superior Court decision.**

**On motion of Vice President Sylvia, duly seconded, it was voted to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals; Vice President Sylvia, Councillor Rodrigues and Councillor Santos voted NO; Councillor Adams, Councillor Long and Councillor VonVillas voted YES to said motion; MOTION FAILED TO PASS.**

**23. Application of Mello Construction Co., Inc., 87 Beacon Street, for a Drain Layers License for the 2013-2014 licensing year. (NEW – Last held 2011-2012 licensing year)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license.**

**24. Application for Special Event Permit received from Middletown Committee For the Arts, Celebration of the Arts, Paradise Park, Saturday, August 17, 2013 from 1:00 pm to 4:00 pm. (See attached request to waive permit fee)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said fee.**

**25. Application of Tara Mekuto, Mekuto/Disalvo Wedding Ceremony to**



**be held at Dunlap Wheeler Park on Friday, September 5, 2014 from 4:00 pm to 6:30 pm. (See attached request to waive permit fee)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and not waive said fee.**

**26. Application of Lori Pepin, Pepin/Bingaman Wedding Ceremony to be held at Dunlap Wheeler Park on Friday, May 2, 2014 from 3:30 pm to 6:00 pm. (See attached request to waive permit fee)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and not waive said fee.**

**PUBLIC HEARINGS**

## **27. Public Hearing (Advertised)**

### **An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 10 – Flood Hazard Areas.**

**(Planning Board recommendation attached)**

**Public Hearing was declared open.**

**Town Planner Ronald Wolanski addressed the Council explaining that the amendments are due to updated FEMA Maps, which address flood insurance maps.**

**There being no other person desiring to heard, Public Hearing remains open.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said ordinance on its first reading.**

## **28. Public Hearing (Advertised)**

### **An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 3 Administration, Enforcement and Procedures, Section 304 Technical Review Committee, Section 305 Development Plan Review (DPR), Section 306 Uses Subject To and Exempt From Development Plan Review, Section 307 Development Plan Review For Uses Permitted by Right, Section 308 Development Plan Review for Use Requiring A Variance or Special Use Permit, Section 309 Required Guidelines, Findings and Improvements and Section 310 Development Impact Review. (Planning Board recommendation attached)**

**Public Hearing was declared open.**

**Town Planner Ronald Wolanski addressed the Council explaining that the amendments are due to revising the Development Plan Review procedures to be consistent with state statutes, along with an attempt to ensure smaller/simpler applications would not need the development review process.**

**There being no other person desiring to heard, Public Hearing remains open.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said ordinance on its first reading.**

## **ORDINANCES**

### **29. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code. (Third Beach Road – Norman Bird**

## **Sanctuary and Peabody Beach)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

### **30. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code.(Third Beach Road – Old Navy Beach)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

### **31. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code. (Purgatory Road at Crescent Street**

**and Ellery Avenue)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said ordinance on its first reading.**

## **OTHER COMMUNICATIONS**

**32. Communication of Beth Larcom, Middletown, re: Request for support to attend/ be a counselor at Camp Fulbright in Korea.**

**Council President Semonelli reviewed the communication from Ms. Larcom, entered here:**

**Councillor Long noted support and positive effect for our community.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and authorize \$100.00 from the Council President's Discretionary Fund.**

**33. Email communication from Rosemarie Kraeger, re: Report for Town Council based on Town Council resolution.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said email communication.**

**Art Weber, 145 Island Drive, Member of Core Committee, addressed the Council noting that a master plan has been prepared and the Drive Inn property should be reviewed.**

**George Timothy Sheeley, 322 Meadow Lane, Member of Core Committee, noted that the Master Plan from 2005 is still valid. Mr. Sheeley explained now help and collaboration from the Town Council is needed for a plan with school properties.**

**Senator Louis P. DiPalma, 24 Sail Court, addressing the Council as a resident and member of the Core Committee, noted concern with the future relationship with Salve and affordable education. As Senator, the Honorable Louis P. DiPalma noted he will stand strong for Middletown.**

**Theresa Spengler School Committee Chair introduced Annie Murphy, Karen Sheeley and Kevin Behan as additional member of the Core Committee. Mrs. Spengler encouraged the Council to attend the Core Committee meetings.**

**Councillor Long questioned what facilities are needed based on the needs of today.**

**Discussion centered around the School Committee Master Plan, a request for options from the School Department, the option from the Fielding Nair report, the viability of the options from the Fielding Nair**



**Report, regionalization discussions, and the School Department looking for guidance from the Council.**

## **COUNCIL COMMUNICATIONS**

**34. Memorandum of Councillor Adams and Councillor VonVillas, re: A Model for High School Regionalization.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Tom Kowalczyk, 9 Beechland Place, addressed the Council noting support for the discussion and reviewed the handout, entered here:**

**Discussion centered around a model High School and the need to seriously discuss regionalization.**

**Senator Louis P. DiPalma, 24 Sail Court, addressed the Council noting the refreshing discussion and need for shared services to be done effectively and efficiently.**

**Councillor Santos question which administration would be preparing the Model for High School Regionalization.**

**Councillor VonVillas, responding to Councillor Santos, that it would be the Councils administration, it is a model and until a model is developed it cannot be sold. This is for money, efficiency and education. Newport County cannot afford the school budget and there is a need to join together for savings.**

**Councillor Rodrigues noted that years back people spoke silently on the subject of regionalization and regionalization takes unity. Mr. Rodrigues suggests the Town Administrator work with the school on the matter.**

**Vice President Sylvia noted his support on the matter, explaining that the Council cannot ask for more from the taxpayers.**

**Councillor Long expressed concern about directing the Town Administrator to perform the task of a Model Regional High School and noted it may be a school function.**

**Councillor Adams noted the decision to move forward resides with the Council. The request is about drawing in the facts.**

**35. Resolution of the Council, re: A Model for High School Regionalization.**

**On motion of Vice President Sylvia, duly seconded, it was voted to pass said resolution; Councillor Long voted NO to said motion.**

**36. Communication of Councillor Santos, re: Requesting Pay-As-You-Throw figures starting with FY-2010.**

**Councillor Santos reviewed her communication, entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.**

**Councillor Santos expressed concern that there will be a loss of participation in the Pay-As-You-Throw program, due to the \$6.00 increase.**

**Town Administrator Shawn Brown noted that there have not been any complaints regarding the increase in the program fee.**

**37. Memorandum of Town Administrator, with enclosure, re:**

## **Pay-As-You-Throw Refuse & Recycling Program.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**38. Memorandum of Town Administrator, re: Follow-up- Contract Award – MIDD-013-010 KVH Walkway.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Manuel Mello, Beacon Terrace North, explained that he calls the project the golden sidewalk and inquired the need for 18 inches of base and thinks it is a lot of money for the project.**

**Robert M. Silva, Esquire, Economic Development Committee, explained that the project is an important opportunity for the Town and maybe the cost can be tweaked. Mr. Silva reviewed the background with KVH including the zoning process. The parking for the Town is substandard and KVH was placing more parking spaces than required.**

**Discussion centered around who would be responsible for an accident on the walkway, length of the walkway, base of the walkway, the expense of the walkway and there being no public parking close to Town Hall.**

**Town Engineer Warren Hall noted that the walkway is 39 foot long and 5 foot wide. There is an 18 inch base due to stormwater.**

**39. (Continued from Regular Meeting, June 17, 2013)**

**Memorandum of Finance Director, thru Town Administrator, re:**

**Contract Award: MIDD-013-010 KVH Walkway.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**40. (Continued from Regular Meeting, June 17, 2013)**

**Resolution of the Council, re: Contract Award: MIDD-013-010 KVH Walkway.**

**On motion of Vice President Sylvia, duly seconded, it was voted to pass said resolution; Council President Semonelli and Councillor Adams voted YES; Vice President Sylvia, Councillor Long, Councillor Rodrigues, Councillor Santos and Councillor VonVillas voted NO to said motion; MOTION FAILED TO PASS.**

**Vice President Sylvia noted the vote is due to budgetary constraints and for good cause in the best interest of the town that bidders will**

**be notified in the future if the project resurfaces.**

**41. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-013-012 Sewer and Drainage Improvements on Forest Avenue.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Discussion centered around what is included in the project, the project only including permanent patch, the project funding having increased and if the road is paved, the project would increase by 2 million.**



**42. Resolution of the Council, re: Contract Award: MDD-013-012  
Sewer and Drainage Improvements on Forest Avenue.**

**On motion of Vice President Sylvia, duly seconded, it was voted  
unanimously to pass said resolution.**

**43. Memorandum of Finance Director, thru Town Administrator, with  
enclosures, re: Contract Amendment : Construction Administration  
and Resident Inspection Services – Sewer and Drainage  
Improvements on Forest Avenue.**

**Town Administrator Shawn Brown reviewed the memorandum,  
entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted  
unanimously to receive said memorandum.**

**44. Resolution of the Council, re: Contract Amendment : Construction Administration and Resident Inspection Services – Sewer and Drainage Improvements on Forest Avenue.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.**

**The following item was heard after the Consent Calendar.**

**45. Memorandum of Town Administrator, re: Contract Award – MIDD-013-011 – Recreation Field Planning & Design.**

**Town Planner Ronald Wolanski reviewed the memorandum, entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Anson Stookey, President of Island Youth Lacrosse, addressed the Council asking for Council to support this matter.**

**Anthony Martin, 29 JH Dwyer Drive, explaining that he has played Lacrosse for years and many great players have left the area. Mr. Martin noted that nicer fields would encourage more participants and stimulate the economy.**

**Mason Hawes, Chair, Open Space and Fields Committee, 431 Reservoir Avenue, noted the process of the project and that its more than just athletic fields, it is educational in nature. The facility will be full service, a wonderful opportunity for the community and requests Council support.**

**Council President Semonelli noted he has heard a lot of support for this project.**

**Town Administrator Shawn Brown explained that the project is in the budget.**

**Vice President Sylvia noted that the project will bring the community together.**

**Councillor Long noted the great opportunity here and great for the youth.**

**Councillor Rodrigues explained that the project is a source of pride for the Town.**

**46. Memorandum of Town Administrator, - Resolution of the Council,**

**re: MIDD-013-011- Recreation Field Planning & Design.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and pass said resolution.**

**Council returned to item #22 at this time.**

**47. Memorandum of Town Administrator, re: Request for Additional FY2014 Unrestricted Appropriation.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Theresa Silveira Spengler, School Committee Chair, addressed the Council noting that many items were cut from the School budget and a bus was included. The discussion now is buses running wider spread no sidewalks.**

**Vice President Sylvia noted the importance of the bus and suggests the School Administration review their budget to fund the bus.**

**Discussion centered around the School Department having pinched pennies, if the monies were in the budget, regionalization, the number of bus stops being reduced and the time factor of busing.**

**Councillor Rodrigues encouraged the continuation of the School Committee and Council working together for education.**

**48. Memorandum of Town Administrator, with enclosures, re:**

## **Stormwater Management Steering Committee (SMSC).**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor Rodrigues inquired if the establishment of a SMSC would potentially develop another department.**

**Town Administrator Shawn Brown, responding to Councillor Rodrigues, explained that it would not develop another Town Department.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to establish a Stormwater Management Steering Committee (SMSC) and direct the Town Clerk to advertise for three resident members.**

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**49. Memorandum of Rosemarie K. Kraeger, Superintendent of Schools, re: Fielding Nair – Requesting Town Council to appoint a representative to the Core Committee.**

**Councillor Long noted that it is premature for a Councillor to be part of the Committee. At some point, there will be a need to be a part of a collaborative group.**

**Theresa Silveira Spengler, School Committee Chair requested a clear direction from the Council of what specific plans they are looking for. The Fielding Nair Report included a High School as part of that plan. Mrs. Spengler wants to be clear when going back to the Core Committee with what the Council is requesting.**

**Councillor VonVillas suggested that the Core Committee use a basis of 2000 students for a High School setting.**



**Council President Semonelli requested to see the Fielding Nair Report Option #4.**

**Tim Sheeley, Member of the Core Committee, requests the Council to appoint a representative to the committee.**

**Council President Semonelli requested to join the Committee.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and appoint Council President Semonelli to the Core Committee.**

**50. Appointment of one (1) regular member to the Zoning Board of Review to complete a term expiring April 2014.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this appointment to the next regular meeting of the Council, August 19, 2013.**

## **EXECUTIVE SESSION**

**51. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation, (2) Litigation (Tax Appeal Cases), (5) Lease (JFK School) and (5) Lease (Berkeley Peckham School) and (5) land acquisition.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 10:30 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open**

**session at 11:37 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted to authorize settlement; Council President Semonelli, Councillor Adams, Councillor Long and Councillor VonVillas voted YES; Vice President Sylvia, Councillor Rodrigues and Councillor Santos voted NO to said motion.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to accept the offer.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize the settlement.**

**On motion of Vice President Sylvia, duly seconded it was voted unanimously to authorize the settlement.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to release the lease.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to accept offer in concept and authorize Mr. Kirby to negotiate.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 11:39 p.m.**

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**Wendy J.W. Marshall, CMC**

**Council Clerk**

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